

**MINUTES
CLAY COUNTY
CHARTER REVIEW COMMISSION
May 4, 2006**

The Clay County Charter Review Commission (CRC) met on Thursday, May 4, 2006, 7:00 p.m., at the Orange Park Town Hall Meeting Room, 2042 Park Avenue, Orange Park, Florida, 32043. Those in attendance are listed on the attached sign-in sheet. Michael Q. Rogers was not in attendance.

Tauyna Reese led in the Pledge of Allegiance.

Stan Puckhaber made a motion to approve the April 17, 2006 minutes. Bill Garrison seconded the motion, which carried 14-0.

Chairman Cummings: It is responsible on our part for Attorney Allan Watts' to give a brief overview of the six amendment recommendations at each of their hearing openings so that the public can digest the information and any questions that the public or the CRC may have. Only ask questions regarding the content of each amendment, withholding your opinions. There will be a public hearing stop for each of the amendment and comments are limited to five minutes each from each citizen. There will be no action taken for any of the amendments; that will be done at the conclusion of the public hearings. The purpose of the public hearings is to educate the public on the amendment recommendations and to obtain input to make our decisions at the conclusion of the hearings. Mr. Watts' will discuss the process based on the possibility that there could be a modification to the amendments if the CRC decides to change the scope of any of them. He will explain what the modification is versus new possible recommendations and the need then for an additional public hearing if need be.

Allen Watts: To the members of the public, the charter amendment process by the CRC takes place under Section 4.2B of the Charter. At the end of the CRC's study they are required to have three (3) public hearings. It has been my advice to each Charter Review Commission where I have served that a public hearing isn't worth much unless you can hear from the public in some meaningful way. My advice is that the Board may take into consideration, and act on if it wants to, any comments or improvements that are suggested in the process of the public hearing. It is probably too late just as a matter of the calendar for any new issues to be take up; but the issues that are to be presented to you tonight, and for the next two public hearings, certainly can always be improved on by hearing from the public and to question issues that are not clear; that is one of the purposes of the public hearing. What I will do at this point is to go through each of the six (6) proposals that have been moved forward by the 2005/2006 CRC from action of their motions; subject to a public hearing at the end of their process.

D R A F T

Date: May 1, 2006

COBB & COLE

040460-001 : CWATT/TVEIL : 00489229.WPD; 1

A RESOLUTION OF THE CHARTER REVIEW COMMISSION OF CLAY COUNTY, FLORIDA, PROPOSING CHARTER AMENDMENTS FOR CLAY COUNTY, FLORIDA; PROVIDING FOR TRANSMISSION OF THE PROPOSED CHARTER AMENDMENTS TO THE BOARD OF COUNTY COMMISSIONERS FOR THE CALLING OF A REFERENDUM ON THE PROPOSED CHARTER AMENDMENTS; PROVIDING AN EXPLANATORY STATEMENT AND BALLOT TITLE FOR EACH AMENDMENT; AND AUTHORIZING MINOR CORRECTIONS BY THE CHAIR AND STAFF.

WHEREAS, pursuant to the provisions of Section _____ of the Clay County Charter, the Board of County Commissioners of Clay County has appointed a Charter Review Commission; and **WHEREAS**, the Charter Review Commission has received extensive public input and has deliberated and considered the desirability of certain amendments to the Clay County Charter; and

WHEREAS, the Charter Review Commission has held not less than three public hearings at the times required by law and has thereupon approved all amendments it deems necessary or desirable;

NOW, THEREFORE, BE IT RESOLVED BY THE CLAY COUNTY CHARTER REVIEW COMMISSION, AS FOLLOWS:

1. That the Charter Review Commission does hereby adopt and forward to the Board of County Commissioners proposed Charter Amendments for Clay County in the form attached as Exhibit A.
2. The Board of County Commissioners is requested to call a special election pursuant to law, concurrent with the next general election, for purposes of a referendum on the proposed Amendments.
3. The ballot title for each Amendment to the Clay County Charter shall be as set forth in the said Exhibit A.
4. The substance of each proposed Charter Amendment to appear on the ballot shall be as set forth in the said Exhibit A.
5. The Chair and counsel to the Charter Commission are authorized and directed to make such minor modifications and changes to the ballot title and statement of substance approved herein as may be necessary or desirable under the Constitution and laws of the State of Florida, so long as such changes do not alter the substance of this Resolution or of any Amendment; and they are further authorized to present to the Board of County Commissioners, and to make public, a report of the proposed Charter Amendments; and otherwise to take all actions necessary and desirable to cause the proposed Charter Amendment to be subject to referendum approval.
6. The Charter Review Commission may reconvene at the call of the Chair or a majority of its members, at any time prior to its dissolution, for the purposes of planning and holding educational sessions concerning the proposed Charter Amendments, approving and forwarding its final expenses for payment, or for the conduct of any other lawful business.

APPROVED by the Clay County Charter Review Commission this _____ day of _____, 2006.

CHAIR

ATTEST:

VICE CHAIR

D R A F T

Date: May 1, 2006

COBB & COLE

040460-001: CWATT/TVEIL : 00489229.WPD; 1

Chairman Cummings opening the public hearing for Proposal 1.

PROPOSAL 1

NON-INTERFERENCE BY BOARD OF COUNTY COMMISSIONERS WITH EMPLOYEES UNDER COUNTY MANAGER, ATTORNEY OR AUDITOR

Ballot Question:

SHALL THE EXISTING PROVISIONS OF THE CLAY COUNTY CHARTER, RESTRICTING COUNTY COMMISSIONERS FROM DIRECTING OR INTERFERING WITH THE EMPLOYEES OF THE MANAGER AND ATTORNEY, BE AMENDED TO INCLUDE EMPLOYEES OF THE AUDITOR, TO REMOVE CERTAIN EXCEPTIONS, TO PROVIDE THAT SUCH INTERFERENCE IS MALFEASANCE, TO RECOGNIZE THE RIGHT OF COMMISSIONERS TO REPORT CITIZEN CONCERNS OR TO SEEK INFORMATION, AND THE RIGHT OF THE BOARD TO CONDUCT OFFICIAL INVESTIGATIONS OF ANY COUNTY DEPARTMENT OR OFFICE? AMENDMENT

Section 1. Subsection 2.2.I. of the Clay County Charter is amended to provide as follows: *2.2.I. Non-interference.* County Commissioners shall not give directions to or interfere with any employee, officer or agent under the direct or indirect supervision of the County Manager, the County Attorney or the Commission Auditor. Such action shall be malfeasance within the meaning of Article IV, Section 7(a) of the State Constitution. County Commissioners may communicate with employees, officers or agents under the direct or indirect supervision of the County Manager, the County Attorney or the County Auditor for the purpose of inquiry or information. Nothing in this provision shall prevent a County Commissioner from referring a citizen complaint or request to the County Manager, the County Attorney or the Commission Auditor. The Commission may make investigations of County affairs, inquire into the conduct, accounts, records and transactions of any department or office of the County, and for these purposes require reports from all County officers and employees, subpoena witnesses, administer oaths, and require the production of records.

Section 2. If all or any portion of this Amendment shall finally be held invalid by a court, the remainder of Section 4.2, as amended, shall remain in full force and effect.

Section 3. This amendment shall become effective on January 1, 2007.

Allen Watts: The first proposal is to amend the non-interference clause of the existing charter. There is a provision in the existing charter that restricts county employees from directing or interfering with the employees of the Manager or the County Attorney. We now have also a County Auditor who is appointed by the commission. The proposal is to do two things; one is to include the employees of the auditor among those with whom members of the commission acting individually may not interfere or give them direction that are at odds with, or redirection from their employer; either the manager or the auditor, or the attorney as directed. It provides that such interference with the employees of the manager, attorney, or the auditor constitutes malfeasance. The reason for that is that malfeasance is a ground for removal from office, either under the recall statutes or by action of the governor if the governor sees fit. The proposed amendment would also recognize the rights of commissioners to report citizens concerns through the manager, or to seek information from an employee where it seems sufficient to do so as long as it can be done without direction. This amendment also recognizes the right of the Board acting as a body to conduct investigations of any county department or office. The technical parts of the

proposal include what lawyers call a separability clause which means that any part of this amendment is ever validated by a court it is the intention of the people that as much as possible of it that can be enforced, should be enforced. The last part of the technical provisions is that this amendment will become effective January 1, 2007.

Chairman Cummings: Any comments?

Rob Bradley: Mr. Watts', I wanted to ask a question to clarify the last sentence of the proposal where it discusses investigations by the county commission into the department or office of the County, "Is it correct to say that this includes investigations of the constitutional offices?"

Allen Watts: It depends on the purpose of the investigation. Every legislative body has the inherent power to investigate and to inform itself so it can consider whatever legislation might be necessary to correct any present practices that it thinks are improper or to review the budget; these are inherent powers of the legislative body. The Charter gives all of the legislative power of the county, the whole government including the constitutional officers, gives that legislative authority to the Board of County Commissioners. It is therefore my review that the Board of County Commissioners has the same authority to investigate the Constitutional Officers that the legislature itself would have. It is an inherent power; the Supreme Court of the United States has recognized that the legislative bodies has this power, in fact, as far as the Florida Legislature is concerned, it is spelled out in Article III, Section IV of the State Constitution. The power is there whether or not it is spelled out; the purpose here was to simply make it explicit.

Rob Bradley: When it says that the Board of County Commissioners can require reports from all county officers as an employee, is it fair to say that that means they can require reports from the constitutional officers?

Allen Watts: That is correct. Of course, if the Constitutional Officers were unwilling, the remedy would be for the Board of County Commissioners to go to a Circuit Judge and ask for enforcement of the Boards' subpoena. The Circuit Judge couldn't consider objection from the county officers that investigation is outside of the legitimate right of the Commission to investigate for the purposes of adopting legislation. You can't simply investigate because you are on a witch hunt but you can investigate if it will lead to better legislation.

Jack Myers
Orange Park

I am in agreement with this one.

John Wilkinson
Admirals Walk, Orange Park

To clarify the previous question that Mr. Watts' answered; if the BCC has the responsibility to the employees of constitutional officers, why are those employees not included in the resolution? We have limited it to the employees of the manager, attorney and the auditor; but not the constitutional employees. Is there a reason? Otherwise I support it, I don't have a problem with the way it is written but the first question begs my question.

Allen Watts: Mr. Chairman, I think the question is, "Should the employees under the direct or indirect supervision of the Constitutional Officers also be subject to the non-interference clause by the Board of County Commissioners?" Let me say that every Constitutional Officer that I have known will tell the employees that they don't have to answer questions from a County Commissioner. That may or may not be true because of their investigative power, but it is a fair question and I think you have the power to include that as a restraint on the Board of County Commissioners if you so choose. What you may want to do Mr. Chairman, is take that comment into consideration, proceed through this public hearing and the other public hearings, and then decide based on the comments that you have heard whether these proposals can be improved.

Chairman Cummings: Anyone else who would like to speak on Proposal 1, modification of the existing non-interference clause; either questions, comments, or opinions?

There being no comments from the public on Proposal 1, this portion of the public hearing was closed.

The public hearing opened for discussion of Proposal 2, of an ethics code to be enacted for all elected and appointed county officers and their employees.

D R A F T

Date: May 1, 2006

COBB & COLE

PROPOSAL 2

CODE OF ETHICS FOR COUNTY OFFICERS AND EMPLOYEES

Ballot Question:

SHALL THE CHARTER OF CLAY COUNTY BE REVISED TO REQUIRE THE BOARD OF COUNTY COMMISSIONERS TO ENACT A CODE OF ETHICS SUPPLEMENTING EXISTING CODES, FOR ALL ELECTED AND APPOINTED COUNTY OFFICERS, INCLUDING THE SUPERINTENDENT OF SCHOOLS AND MEMBERS OF THE SCHOOL BOARD, AND THEIR EMPLOYEES?

AMENDMENT .

Section 1. Section 2.2 of the Clay County Charter is amended to create a new Paragraph E, as follows:

E. Code of Ethics.

Before July 1, ~~2008~~ **2007**, the Board of County Commissioners shall enact by ordinance a Code of Ethics. The Code of Ethics shall prescribe standards of conduct for members of the Board, the County Manager, the County Attorney, the County Auditor, all other elected or appointed County Officers including the Superintendent of Schools and members of the School Board, and the deputies and employees of all such officers. The Code of Ethics shall supplement and not contradict or supersede any statutory or administrative standards of conduct which apply to any such officer or employee. The Code of Ethics may include, but is not limited to, provisions defining offenses, establishing an ethics board to hear and determine charges, and prescribing penalties within the limits allowed by law. The Code shall not conflict with the power of the Governor to suspend county officers or of the Senate to remove them from office, or the power of the people to recall them from office.

Section 2. This amendment shall be effective upon approval by the electors of Clay County. If it is so approved, existing Paragraph E and the paragraphs which follow it in Section 2.2 of the Charter shall be re-lettered F, etc.

Section 3. If all or any part of this amendment should finally be held invalid by a court, the remainder of this amendment shall continue in full force and effect.

Allan Watts: Mr. Chairman Proposal 2 would require that the Board of County Commissioners enact a "Code of Ethics", supplementing existing codes; not reflecting them or amending them, for all elected and appointed county officers, including the Superintendent of Schools and members of the School Board, and their employees. This provision would require the "Code of Ethics" to be adopted by ordinance within approximately seven (7) months after this measure becomes a part of the Charter. The present personnel manual of the county manager does contain a Code of Ethics which each employee is required to sign, but that Code of Ethics is not a part of any ordinance at this time. It is not from the Administrative Code, or elsewhere within the codes of ordinances of the County. What this would require is that the Board of County Commissioners shall enact a Code of Ethics which becomes an ordinance and which will include, but is not limited to, provisions defining offenses, establishing an ethics board to hear and determine charges, and prescribing penalties within the limits allowed by law. The Code shall not be read to conflict with the power of the Governor to suspend county officers or of the Senate to remove them from office, or the power of the people to recall them from office. It would become effective on approval by the electors. The effective date for the Code of Ethics would be before July 1, 2007. It has the separability clause if any part of this becomes invalid; for example, if a court said you can't apply it to school teachers because there are subject the standards of professional conduct put out by the Department of Education. We said in here that this is supplemental to that and not in contradiction of it. But if the court held that you can still enforce the Code of Ethics against all other remaining employees that would be covered by it.

Chairman Cummings: Any discussion on the intent of this Code of Ethics?

Bill Garrison: This is a copy of the Code of Ethics from the Administrative Code?

Allan Watts: It is from the county's personnel manual.

Chairman Cummings: County Manager Fritz Behring stated that it is given to each county employee on their date of hire, signed, placed in their personnel file.

There being no comments from the public on Proposal 2, the hearing was closed.

The public hearing opened for discussion of Proposal 3A of three single member and two at large districts with an elected Chair.

D R A F T

Date: May 1, 2006

COBB & COLE

040460-001 : CWATT/TVEIL : 00489229.WPD; 1

PROPOSAL 3A

ALLOWS VOTE FOR ONE DISTRICT COMMISSIONER AND COUNTYWIDE VOTES FOR CHAIR AND COMMISSIONER AT LARGE

Ballot Question:

SHALL SECTION 2.2.A. OF THE CHARTER OF CLAY COUNTY BE AMENDED TO PROVIDE FOR A LEGISLATIVE BODY OF FIVE COUNTY COMMISSIONERS CONSISTING OF A CHAIR ELECTED AT LARGE, ONE COMMISSIONER ELECTED AT LARGE, AND THREE COMMISSIONERS ELECTED FROM DISTRICTS, IN LIEU OF THE PRESENT FIVE COMMISSIONERS ELECTED FROM DISTRICTS; TO SPECIFY THE DUTIES OF THE CHAIR; TO PROVIDE FOR SELECTION OF A VICECHAIR, THE CONTINUATION OF TERM LIMITS, AND FOR TRANSITION OF EXISTING COMMISSIONERS?

AMENDMENT _____.

Section 1. Section 2.2.A. of the Charter of Clay County is amended to provide as follows:

A(1). The County Commission.

The governing body of the County shall be a Board of County Commissioners composed of five (5) members serving staggered terms of four (4) years. Three County Commissioners shall reside one in each of three County Commission Districts, the Districts together covering the entire County and as nearly equal in population as practicable, and each District Commissioner shall be nominated and elected only by the qualified electors who reside in the same County Commission District as the Commissioners. Each District Commissioner during the term of office shall reside in the District from which such Commissioner ran for office, provided that any Commissioner who is removed from a District due to redistricting may continue to serve during the balance of the term of office. The Chair of the Commission and one Commissioner shall be nominated and elected at large. No person elected for two consecutive full terms as County Chair or a member of the Board of County Commissioners shall be eligible for election as County Chair or a member of the Board of County Commissioners in the next succeeding term.

A(2). Duties of the County Chair.

The office of the County Chair shall have all jurisdiction and powers which are now and which hereafter may be granted to it by the Constitution and laws of Florida, this Charter, or county ordinance, provided that such powers shall be exercised in a manner consistent with this charter. The County Chair shall have the specific powers and duties to:

Preside as Chair of and in all other respects participate in the meetings of the Board of County Commissioners and have an equal vote on all questions coming before it.

Serve as the official and ceremonial representative of the government.

Issue proclamations on behalf of the government, which shall be reported to the Board of County Commissioners upon issuance.

Execute ordinances, resolutions and other authorized documents of the government. The Board of County Commissioners shall elect or re-elect at its annual organizational meeting a member to serve at its pleasure for a one-year term as Vice Chair of the Board to preside at meetings of the Board in the temporary absence, disqualification or disability of the County Chair and to perform such other duties as are assigned by the County Chair.

Section 2. Transition.

This amendment shall become effective upon approval by the electors of Clay County at a referendum to be held at the general election of November 2006, subject to the following transitional provisions:

(a) The position of Chair shall be designated as Seat 1, and the position of Commissioner at large shall be designated as Seat 2. During the year 2007, the Board of County Commissioners shall

cause the County to be divided into three contiguous County Commission Districts, numbered three through five, together covering the entire County and as nearly equal in population as practicable.

(b) At the general election in November 2008, the respective eligible electors shall elect a County Chair at large (Seat 1) and a County Commissioner from new District Seats Three and Five, each for a term of four years.

(c) Notwithstanding redistricting, the incumbent Commissioners from pre-existing Districts two and four elected or re-elected at the general election in 2006 shall each continue to hold office until the expiration of his or her term. In the event of death, resignation, or removal or recall of such a commissioner from office when less than twenty-eight months remain in the term, a successor shall be appointed for the remainder of the term as provided in Article IV, Section 1(f) of the Florida Constitution; otherwise until the first Tuesday after the first Monday following the general election of 2008, and at such election the electors shall choose a Commissioner as provided in Subsection (d) of this Transition Section 2 for a special term of two years.

(d) At the general election in November 2010, the electors shall elect a County Commissioner at large (Seat 2), and the electors of the district shall elect a County Commissioner from new District Seat Four, each for a term of four years.

(e) For purposes of the limitation on successive full terms as Chair or other member of the Board of County Commissioners, no term of office beginning before November 2000 shall be considered.

(e) When all of the provisions for transition have been completed, this Transitional Section 2 of the amendment shall be automatically repealed.

Section 3. If all or any part of this amendment should finally be held invalid by a court, the remainder of this amendment shall continue in full force and effect.

Allan Watts: Mr. Chairman, the next two (2) proposals I labeled 3A and 3B because at the end of your deliberations you are going to need to choose one or the other, or neither of these alternatives. The purpose of the public hearing is to hear from the public. There has been a question asked as to whether at this point in the CRC proceedings if the commission could return to an alternate plan that is in substance the same general intent, but would perhaps have five commissioners from districts and two at large. My opinion on that has been that it depends on how vague the revisions are and what the input from the public is. It is not for the commission to take that issue up at the end. The more changes you make the greater the legal risk that you really need to start the public hearing process over again. Because the CRC is required by the Charter to make its report public up to 90 days prior to the election, the clock could run out on any changes that require a public hearing to start over again. The purpose of Proposal 3A is to create a Board of County Commissioners of five (5) commissioners consisting of a Chair elected at large, one commissioner elected at large, and three commissioners elected from districts. The measure would provide that instead of having five (5) individual seats each elected by the voters of that district, there would be three (3) individual seats so that each district would be more numerous in terms of its electors. The measure would provide that during the year of 2007 the Board of County Commissioners would need to redistrict the County into those three districts and they would be seats three, four and five. The Chair would be seat one (1), the other at large seat would be seat two (2) so that you would maintain your tradition of electing commissioners for seats one, three, and five in Presidential years; and seats two and four in non-presidential years. Then there are a phase number of provisions so that you get from the plan that you have

now to the new plan by the year 2010. The commissioners at large are essentially that; the one is the Chair and is elected by all of the electors of the county. The effect is that each elector of the county is allowed to participate in the election of three (3) members of the Board of County Commissioners as opposed to one (1) member. The duties of the county Chair are largely to preside as Chair, to serve as the official and ceremonial representative of the government, to issue proclamations and to execute ordinances, resolutions and other authorized documents of the government. This is not an elected executive position; the executive would continue to be the hired professional County Manager under this amendment. Those are the chief substance of the measurements.

Chairman Cummings: Are there any questions?

Roy Lyons: The implementation of this would be a very difficult thing to do. I am very much in favor of the Orange County five/two type government which would be much easier to implement. The only thing that I have heard that has not been good about the five/two idea has been the cost. If something could be done with the cost maybe we should go with the five/two rather than the three/two which will be difficult to implement and perhaps very confusing.

Chairman Cummings: We will not be taking any action at the hearings, but it is very important for us to ask questions on issues that are related to the amendments. This is obviously related.

George Espada: Mr. Watts', what are the advantages and disadvantages of the Chair and Non-Chair?

Allan Watts: The advantage of an elected Chair is that there is somebody to blame things on. There is not a great deal of additional power of the Chair other than the clout that comes from being elected county-wide and being called the Chair. The present procedure for electing a Chair is that the Board elects one of their members annually to be their Chair for that year; and a Vice-Chair. The problem with it, and I have heard it expressed in those county's which don't ever re-elect their Chair, always rotating it; is that you're a lame duck from the moment that you're elected, you know that you're not going to be re-elected in those counties and you're still getting the last guy's mail for about half of the year. Those are the practical complaints that I have heard about having the commissioners elect their own Chair. It does give people a focal point to make them look for some point of leadership, but that leadership has to be based on strength of leadership and not on any particular power granted by this amendment. The quality of leadership would have to speak for itself; at least the opportunity is presented. Some county's including my own, have gone to a model like this although they did it with a five/two plan. They have had the experience with it for a couple of years and now there is discussion about do they want to take the next step and strengthen the specific powers. That is one way of going at it. In Orange County they went from the other direction, and went straight to an elected Chair who is also the Chief Executive of the County government. He or she employs a County Manager – a County Administrator to be the Chief Operating Officer, a professional administrator. The elected Chair, who is actually now called the County Mayor; they changed the title in the last election, is the Chief Executive. Duval County's Charter has an elected mayor, but that mayor does not sit in the Legislative body. The Orange County Chair or Mayor does sit on the Legislative body and presides over that body. So probably, that's a bit more powerful than the Duval plan; those are

some of the alternatives. The other question I guess is to compensation; I have had a couple of questions from individual commissioners that I will share with all of you that the compensation of a county commissioner is specified for the office by a table in state law. It doesn't matter how many commissioners a particular county has, the planning for each one of them is specified by that table unless a charter provides for a different formula by a different of compensation for its commissioners. They can still be a regular Board of County Commissioners without changing their titles or functions, but you can address the pay scale or the method through a charter amendment. That can be a good thing or a bad thing, depending on your point of view. Some counties have established a flat salary for their commissioners, irrespective of what the statutes says, and that is what prevails. Some counties tie into some other formulation like a percentage of the table, or the salary of some other office such as a school board member. There is a variety of different ways that charter counties has specified the pay, but if you are silent, as the Charter now is, they receive the pay that is specified in the state tables in the statutes.

Chairman Cummings: I have also asked Mr. Watts' the same question and I have called the Florida Legislative Committee on Intergovernmental Relations to understand this formula. There is a 24-page report for finalized salaries for the Fiscal Year 2006. Talking to the department head of this committee regarding this report, he was very clear that they only develop the formula and it is based on each county. He said that clearly with a home rule charter there is an ability to obtain amendments to alter the formula some. It is a flat rate and he stated that he has been getting a lot phone calls regarding this for example, one county determined that \$25,000 should be all that their commissioners should be paid and it was set for that years ago; now, the citizens are regretting it because of inflation and growth of their county. They wanted to revisit this and change the pay scale for them.

Mary Cooperman: Why would anyone want to change the commissioner's salary when the same procedure, the same system, is for every elected official; it is based on population. You look at the elected officials and those are very good salaries if you are going to mess with one in that process, then you are going to have to mess with all of them.

Chairman Cummings: That is a good point. Full-time versus part-time have been discussed by us before regarding constitutional officers and commissioners. The constitutional officers are full-time officers and the commissioners are part-time and usually have other full-time jobs and they are classified many times as a part-time job; many people feel that is much better than part-time pay.

Rob Bradley: When is the last day that we can hold a public hearing and still be in compliance with our duties of delivering within the time-frame?

Allen Watts: The delivery date is no later than 90 days prior to the general election, which in November 7, 2006 (the first Tuesday after the first Monday) so, August 7, 2006 is the latest delivery to the Board of County Commissioners. If you had your last public hearing on the 6th or 7th, then if you were having three public hearings separated by a minimum of ten days, then your 20 days prior to the 6th, would be July 16th or 17th.

Rob Bradley: Theoretically, if we came up with an entirely different issue we could start that process on July 16th, have three hearings, and time to make the deadline.

Roy Lyons: Is there any reasons why during the public hearing put in the new issue and continue one?

Allan Watts: You must have at least three public hearings upon each amendment, so if an amendment is self amended so significantly as to be a different measure; you would need to have three hearings on that measure. You would not have to start over on all of them, but what it says is three public hearings on any proposed charter amendment.

Chairman Cummings: I think that this is good discussion of what has to be determined, and the time-line is getting tight, so if there are any modifications, either minor or major, that has to be discussed by the CRC with the proper legal advise from Mr. Watts' to know if it is significant enough to remain or a new issue to address so that we are not in trouble with the time.

Mary Cooperman: Since we are readdressing, I am still uneasy about constitutional officers. All officers and employees; we could have some bitterness there is someone says no, you don't have to answer; why not. You know what I think; I am the constitutional officer and you want to talk to me and my employee, ok you can talk to me but you can't talk to my employee; what kind of business is that.

Chairman Cummings: You are referring to the non-interference clause, number one. That is something that we will be addressing at the conclusion of our public hearings to determine if we want to change any language accordingly. I don't think that would be anything major to change.

Allan Watts: I don't think so, it just increases the disability of the commissioners that you are already creating.

Chairman Cummings: We are discussing the three single member and two at large districts with an elected Chair. The next item will be without an elected Chair.

Are there any comments from the public regarding the three single member and two at large districts with an elected Chair?

Debbie Terry
5 Fox Valley Drive
Orange Park

The public is very low in attendance tonight, but thank you Chairman and all of you members that have been stooking this out for months to bring it to the table. This refers to 3A and 3B; Mr. Watts' said that you have to choose A, B or neither; I would like for you to choose neither. For the record, I didn't support single member districts and I still do not believe that is a good representation of my county commission and I don't believe I have a more cohesive, warmer, responsive commissioner; I did not like giving up my four votes and I am down to one vote. That being said on the issue, the people overwhelmingly voted and chose single member districts. I believe that what we did needs to run its course; good, bad or indifferent. If you go to three

single member districts it is going to physically change the boundaries, it's going to physically change the amount of constituents that those people will report to; my math says from 26,000 to 35,000. The county is in a topsy turvey time right now through other issues that don't relate to this, but people need consistency. I don't see where adding two at large and going away from a system yet again; we have gone from at large five with five votes; then to one vote; then I am going to three votes; I like five votes, but I am not going to get five votes, I am going to get my one vote. I think we need to stay consistent in this county to give this county some stability and let what the people overwhelmingly voted for; I not one of them, run its course. That was for B too.

Richard Bennet
2242 Wide Ridge Drive

Essentially, I have the same comment as a public reaction to the fact that we are making changes while changes are still occurring and it is like a whole case of turmoil and for the public to have to vote on a different thing when we haven't even run the course of the five districts through with all of the turmoil that has happened. Certain districts don't even have representation right now and we are saying that we are going to change the districts again; change the boundaries and who is in what district; to do all of this in such a short period of time to me is just overwhelming for the public.

Bob Kreger

I have a question for Mr. Watts': A minute ago you mentioned the fact that you are comparing the Orange County model the Duval County model; which of those models provide more checks and balances?

Allan Watts: I don't know that you can compare apples and apples. The Jacksonville model does not have the mayor sitting on the legislative body, so the mayor doesn't have the veto power, so there is that role to play in the legislative process. The council is larger in the Jacksonville model. In Orange County there is a seven member commission and the mayor is one member of that commission and they are elected from single member districts except for the mayor as other council members in Jacksonville. Jacksonville is entirely a different creature because of the consolidation of city and county government under a special provision of the 1885 Constitution. That is not available to Clay County. To consolidate a city and a county is something that requires multiple referenda to be called really by the legislature or the unanimous call of all of the effective governments; the difficult thing to accomplish. Short of an actual merger such as the one that occurred in Jacksonville, Orange County probably has the strongest executive of any of the charter counties within the state. That person sits on the legislative body as well and that is one of the reasons why I say that it is the strongest because there is a not primarily veto right, but a full participatory right of the mayor in the legislative process.

Bob Kreger I do want to compliment the CRC members: I have been to a couple of the meetings and you spend many, many hours, and I applaud for the time you spend here. The young lady who was speaking before me; I support the five member districts remaining, and I do support the two members at large with the Chair, one of those two.

Jack Myers
2099 East Winterbourne
Orange Park

I want to talk a little bit to you about what I think happened to the single member districting when it was passed. Just about every amendment on that ballot did pass. Previously pregnant pig legislation became a constitutional amendment. The way it was written, I think it sounds very positive that you are going to have somebody who represents you and not the whole constituency. The other message to not get out that you could only; and a lot of these issues you have already discussed, I think that the amendment when it was written would have said that you also only vote for one county commissioner every four years, and you only have one county commissioner representing you, there would have been a different outcome if it had been written better. Obviously, I am not for the single member districts, but now that we have it I am trying to think of some ways to make it happen. I think that one thing you might consider is leaving the five single members the way they are and adding two at large. The only negative that I have seen to that is the cost. One way to do that would be that the county commissioners get five-sevenths; so if you have that in a constitutional resolution it would make sense to people. You are adding two, but the county commissioners are getting five-sevenths of the formula so you are coming out with the same money. Another way to do that would be to make the two at large full paying, full-formula because they are representing the entire county, and this is sort of the way that the business community would look at it as what is your responsibility. The five single member districts would get two thirds of the pay; that would still come out to the same cost to the county. That could be another way that you might look at the five/two. That would be my first preference the five/two and my only concern about limiting the amount of money the county commissioners get paid is that you don't get as high of quality; but I think that might be a good option. The other thing, let's let single member districts run its course; I was looking down the examples of the different counties and the charter counties that have single member districts and there is only one that is comparable and that is Columbia County. The others are big counties; Brevard, Broward, Miami-Dade, Duval, etc. There are not many examples and I don't remember if we got the research that said how many counties have gone from at large back to single member; but I do know that other counties have gone from single member to at large. I don't think there are a lot of examples of people that say at large – we ought to go to single member districts unless they are so big, or because they have such a big executive branch that they decided to do that. I will say that there is already single member district observation working. The chamber was trying to put together a symposium where we get all of the candidates together and try to do it with television; so far the numbers of candidates running for single member districts say why should I make a presentation to the whole county; I am only responsible to my district. If you want to put together something just make it from my district. The comments you get from committee meetings with our existing county commissioners saying that is not in my district. I think we probably don't want to change the five members but I think there is an option of giving two members. The reason I think those two members, particularly an administrative person is so important is that the five at large didn't work here in Clay County. I think it is probably because we are getting so big, partly because of the chairmen rotating every year. I have talked to county commissioners when they begin as Chairman and they try to get things accomplished, but it is very, very difficult to get anything accomplished in a year. Then you have the five county commissioners who are jockeying for that position and we have had a lot of that and so the county commissioners become more of a reactionary type; they are very unlikely to think about vision,

about where do we need to go with this county; they are more of we will take care of the situation when it is presented to us. So, I think it is very important that we have an administrative position or an over-all position for that one person that would be more of an executive head. One of my thoughts would be that you add the responsibility of some kind of visioning; being responsible for the overall vision of the county so put a little more oomph on it. I don't know if you want to go all the way of Orange County, but I think that you could add a little more responsibility to that mayoral position. A question for Mr. Watts': "I wonder, because the five/two has been discussed so much, does that count at all. There has been a lot of discussion about this.

Allen Watts: I think it is a closed-question and I won't answer it unless it is asked at the end of the public hearing; it is a closed-question whether or not it would be required public hearings. You are correct it has been discussed at many of the meetings, including this one so I am not sure there would be any element of surprise.

Jack Myers: If there is enough time-line to work with it even if you have to have the three hearings.

Roy Lyons: When you talk about cost Jack; the five-sevenths; what you are saying is that you divide the cost of the commissioners that we have now; their salaries now and divide it seven ways instead of five.

Jack Myers: You have a state formula, and if you said that the county commissioners were going to be paid five sevenths of the formula, you would come up with the same dollars because our county commissioners now are getting paid formula. So if they were paid five-sevenths you would come out with the same cost.

Allen Watts: It would be indexed as the table is indexed. When that goes up, the five sevenths chairs would also go up.

Roy Lyons: Is this a plausible thing?

Allen Watts: It has been done in some counties, yes.

Jack Myers: The option that I like a little bit better because of the responsibility is to give the at large full pay and give the single member districts two-thirds. That would come out the same also.

Jim Gann: We are not talking about a difference in money for their salaries; the majority of the costs are for support services and the perks. We are only talking about \$200,000 more a year for the two added commissioners. That is a drop in the bucket. The salary of the commissioners I would say is off limits; leave it alone.

Roy Lyons: The problem with that is if you go out and speak to groups, what you hear is the cost of adding them. The reason that we are questioning them on this is because they don't want to spend this money. They don't care what the budget is; they are against the extra dollars.

Jim Gann: We have to go out and settle it. If we start tiering this and decreasing some of their salaries we are going to get a lot less quality candidates running for the office.

Jack Myers: I will say that under single member districting, we are not having any trouble getting people to run for them we are getting really good responses. What you are looking at as a one-third salary decrease; so if they are getting \$60,000 you would be looking at \$40,000.

Chairman Cummings: I feel that if it is the at large concept or the single member with the three/two with Chair or without, I think that is all related with the subject matter, so I think that it is healthy for the group to hear your opinions. If there is anybody who has spoken and did not realize that you can expand the boundaries, I will give you a chance to address them again.

John Wilkinson
Admirals Walk
Orange Park

As Debbie mentioned earlier, I think that we do need to be sensitive to the majority vote for single members; that was an important turning point I think in the county's voting scheme. However, as Jack mentioned earlier, I don't think the merits of that change were well recognized at the time of the elections. I don't think that we would have the same vote again as we had then. The world is changing every day. This change, should it be implemented will take some time; it will be a number of years before it is implemented. If we wait for another charter commission review to make that change again and see what happens I think we have waited too long. Clay County has too much potential; the growth that could potentially happen here - growth management needs to occur; need to look at the outer beltway; how are we going to handle the population that we have; we need strong leadership. I say that we need either the three/two, and now that the option is back on the table I think that we need the five plus two so that you have some folks who are looking at the vision for the county going forward. Look at where we have been, look at the issues that we had, including the problems that we have had; a vision going forward for the next twenty, thirty, or forty years needs to come out. If you look at the map on the wall, I believe represents a prime example; if I am not mistaken that represents an opportunity to address some of these traffic issues right here through Orange Park. The road outside becomes a bottleneck. Some are with a vision started to look and taking money from many miles away in a development in correcting, putting that money into making a change at interstate 295, which is actually in Duval County. That is an example of the type of vision that I think the county needs, and you are going to get that from a strong Chair and a mix of single member districts, as well as your at large. I do have one question as I look at the end of Section 1, 3A of the amendment. It talks about having to replace the Chair for any reason that the Chair should be replaced, I believe in some cases the governor would appoint that commissioner. Would that appointment go the Chair, or would the Vice Chair step up?

Allan Watts: This last paragraph of Section 1 of Proposal 3A, the Chairman elects a Vice Chair of the Board to preside at the meetings for a period of one year and if necessary to preside at meetings of the Board in the temporary absence, disqualification or disability of the County Chair and to perform such other duties as are assigned by the County Chair. Obviously; if the County Chair is suspended by the Governor, or became ill and unable to serve, or pass away; the power of the Governor to appoint a temporary replacement under the Constitution is paramount.

John Wilkinson: Would the Governor in that case appoint the Chair?

Allan Watts: If the office that becomes vacant is the Chairman's office, and if there are 28 months or more remaining in the term, the Governor appoints the successor to fill 28 months or less for the full-term; 28 months or more, the Governor appoints somebody until the next general election.

Beth Terry

When I said neither, I think the compromise that Mr. Myers spoke about is probably the best. If you went to the salaries and I understand the administrative costs of starting up new offices, but the on-going salaries is probably what is going to be in people's crawl the most. When we have two more cycles of elections and the electorates really figures out what they voted for in single member districts when they go and get one commissioner in a four-year cycle. What happens if you go to the seven, which I think is a great idea and I personally like the two-thirds and the full price full-salary and two-thirds salary? If you go to that, what happens if the voters decide to flip back over to all at large again? What happens to that system if we go from five to seven? Does that go away; do we put ourselves in another situation?

Allen Watts: It depends on the language, and it depends on how well they anticipate all possibilities in the language; that is my job.

There begin no further comments for Proposal 3A the public hearing was closed.

The public hearing opened for discussion of Proposal 3B of three single member and two at large districts without an elected Chair.

D R A F T

Date: May 1, 2006

COBB & COLE

040460-001 : CWATT/TVEIL : 00489229.WPD; 1

PROPOSAL 3B

ALLOWS VOTE FOR ONE DISTRICT COMMISSIONER AND COUNTYWIDE VOTES FOR TWO COMMISSIONERS AT LARGE

Ballot Question:

SHALL SECTION 2.2.A. OF THE CHARTER OF CLAY COUNTY BE AMENDED TO PROVIDE FOR A LEGISLATIVE BODY OF FIVE COUNTY COMMISSIONERS CONSISTING OF TWO COMMISSIONERS ELECTED AT LARGE, AND THREE COMMISSIONERS ELECTED FROM DISTRICTS, IN LIEU OF THE PRESENT FIVE COMMISSIONERS ELECTED FROM DISTRICTS; TO PROVIDE FOR THE CONTINUATION OF TERM LIMITS, AND FOR TRANSITION OF EXISTING COMMISSIONERS?

AMENDMENT ____.

Section 1. Section 2.2.A. of the Charter of Clay County is amended to provide as follows:

A. The County Commission.

The governing body of the County shall be a Board of County Commissioners composed of five (5) members serving staggered terms of four (4) years. Three County Commissioners shall reside one in each of three County Commission Districts, the Districts together covering the entire

County and as nearly equal in population as practicable, and each District Commissioner shall be nominated and elected only by the qualified electors who reside in the same County Commission District as the Commissioners. Each District Commissioner during the term of office shall reside in the District from which such Commissioner ran for office, provided that any Commissioner who is removed from a District due to redistricting may continue to serve during the balance of the term of office. Two Commissioners shall be nominated and elected at large. No person elected for two consecutive full terms as County Chair or a member of the Board of County Commissioners shall be eligible for election as County Chair or a member of the Board of County Commissioners in the next succeeding term.

Section 2. Transition.

This amendment shall become effective upon approval by the electors of Clay County at a referendum to be held at the general election of November 2006, subject to the following transitional provisions:

(a) The positions of Commissioner at large shall be designated as Seats 1 and 2. During the year 2007, the Board of County Commissioners shall cause the County to be divided into three contiguous County Commission Districts, numbered three through five, together covering the entire County and as nearly equal in population as practicable.

(b) At the general election in November 2008, the respective eligible electors shall elect a County Commissioner at large for Seat 1, and district Commissioners for new District Seats Three and Five, each for a term of four years.

(c) Notwithstanding redistricting as required by this Amendment, the incumbent Commissioners from pre-existing Districts two and four elected or re-elected at the general election in 2006 shall each continue to hold office until the expiration of their terms. In the event of death, resignation, or removal or recall of such a commissioner from office when less than twenty-eight months remain in the term, a successor shall be appointed for the remainder of the term as provided in Article IV, Section 1(f) of the Florida Constitution; otherwise until the first Tuesday after the first Monday following the general election of 2008, and at such election the electors shall choose a Commissioner as provided in Subsection (d) of this Transition Section 2 for a special term of two years.

(d) At the general election in November 2010, the electors shall elect a County Commissioner at large for Seat 2, and the electors of the district shall elect a County Commissioner from new District Seat Four, each for a term of four years..

(e) For purposes of the limitation on successive full terms as a member of the Board of County Commissioners, no term of office beginning before November 2000 shall be considered.

(e) When all of the provisions for transition have been completed, this Transition Section 2 of the amendment shall be automatically repealed.

Section 3. If all or any part of this amendment should finally be held invalid by a court, the remainder of this amendment shall continue in full force and effect.

John Wilkinson

I think on 3B in Section 1A, you have County Chair in the text, but not in the Title and it is not in the Ballot Question.

There being no further comments for Proposal 3B, the public hearing was closed.

Chairman Cummings introduced candidates present who are running for office at the next election. He thanked citizens and the media for their support and continued media coverage during their on-going session.

RECESS

Rob Bradley made a motion that the CRC set a public hearing on May 15, 2006 for the first hearing a proposal that mirrors Proposal 3A with the following changes: Shall Section 2.2.a. of the Charter of Clay County be amended to provide for a legislative body of seven county commissioners rather than five and that the pay for the county commissioners in total will equal the same amount of money under the state formula that would be spent on five commissioners. Roy Lyons seconded the motion.

Discussion of the motion above:

Chairman Cummings: For clarification, the same amount of money Rob was referring to means the current state formula.

Rob Bradley: It would still be a state formula and again that is what Mr. Watts' is for. What I wanted to reflect is that the same amount of money currently spent on the current Board of County Commissioners will be spent on the seven commissioners; it must be divided equally among the seven commissioners.

Una Cornelius: Are you saying that you want to go back to the five single member districts with two at large.

Rob Bradley: I am not saying that I want to do that, I just want to keep my motion for it to be on the first public hearing because quite frankly I haven't made up my mind. I want to leave that on the table and not get too far behind with the scheduling, so I am suggesting that we have a first public hearing scheduled on the proposal that I just made if it were to be adopted. Of course that can change as we go forward. I would like to have it out there so that everybody understands, I was saying having single member districts, two at large for a total of seven, with the chair (3a); with the only change being the seven instead of five and the other change being when it says three commissioners elected from districts it would be five commissioners elected from districts - keep the current districts and the salary thing.

Rob Bradley: I will tell you the reason for the salary thing, and that is I don't disagree. I have said this many times, we are talking about something that is such a minuscule amount of money in the overall scheme of things and it is quite frankly silly that we even have to talk about; but we also have to recognize the political realities of things. The political realities of things are that commissioners are not held in high esteem right now and people will for whatever reason react to the fact that they are spending more money on commissioners and seize on that as a reason to not look at the overall big picture and look at the good of these things and seize on that as a way of convincing people that this is a bad idea. I just want to take that issue out of the equation and I think that this would do that; just as it would be silly, we are talking about \$15,000 or something like that in the difference in salary. If it is \$15,000 more or \$15,000 less; that is just not important to me in the grand scheme of things. So let's just get that whole issue of pay off of the

table and the best way of doing that is how I suggested it. I have heard some comments about respecting the vote and I am a big believer in respecting the people wishes. I will say though that if the people do in fact overwhelmingly support the concept of five single member districts and they do in fact embrace this idea that they can only vote for one person instead of three, and they truly reflect on that and understood it when they voted, then it is very simple; there will be the same percentage of people voting no here that voted yes at the last one. I respectfully suggest that that is not going to happen, which will prove the fallacy of the idea that people knowingly understood exactly what they were doing when they went to the polls and gave up their right to vote for more than one commissioner. Regardless, maybe I am wrong, and if I am wrong, so be it. I respect the will of the people and they will vote no, and that's fine. I think that it is healthy that we have a full, real, honest debate about this issue because what happened last time around when we talked about this issue there was not a full hearing on the issue. I think that we can have a real discussion on this now in our community and decide what we want our government to look like.

Roy Lyons: The reason that I second this motion is that I believe with the single member districts; and you put two at large on the Board, you are combining both good things of government. You have the single member which should be like a House of Representatives , and you have the at large commissioners who have the vision for the county. It is part of our job to have a vision for the county with the five single members and the two at large; that is our vision of this county and this can go on and run our county government indefinitely with this type of arrangement.

Jim Gann: I want to know where everybody was when I was pushing the five/two.

Rob Bradley: I will tell you where I was Jim, because I was the one who made the motion to drop the five/two. Where I was at that time; and that is what I enjoy about this process is that you get educated as you go forward, for instance, we didn't realize that we had the three/two as an option and then as the process moved forward we found out that we did. I did not realize that we had an option of avoiding the state formula through the county charter and being able to change the pay of our commissioners because for whatever reason, it has always been explained to me; shame on me, I am a government lawyer and I could have done more research and for whatever reason I just kind of took it for face value that it was a state formula and left it at that. Now, having done the research I now understand that we can have an impact on that issue and that opens my mind again to the five/two. That is my personal perspective.

Roy Lyons: I always liked the five/two, but again with the money you run into that out there.

Jim Gann: I still take exception to the salary thing, I just think we need to push that through. I think that we can explain that if we try. It is not being fair to the people who will be running for the commission; that is the way I feel.

Karen Lake: Rob can you clarify your motion in terms of the commissioners salary.

Rob Bradley: Right now they are currently paid under a state formula.

Ralph Puckhaber: Five-sevenths of the state formula.

Rob Bradley: That is what I am saying.

Karen Lake: Are you not including Mr. Myers proposal to pay the at large full salaries?

Rob Bradley: No. I am not closed to that, but right now I am not.

Ralph Puckhaber: Mr. Watts, the discussion around the salaries would constitute or not constitute a change; another words, if we went into a public hearing with this and during the hearing we changed our minds a little on what the pay should be, perhaps they should all be paid full rate. Would that be a change significant enough to require and fourth public hearing?

Allan Watts: I understand the motion on the floor it is to divide the current salaries of five commissioners into seven. The motion itself did not contain a specific formulation, so that would be something that would have to be determined before you take a final vote.

Ralph Puckhaber: But it would be an issue that we could tweak?

Allan Watts: Yes.

Ralph Puckhaber: Ok, that is my only question, and I am more than happy to support this because if Mr. Bradley remembers, I voted against it in the first place. I agree with Mr. Gann, and I wish that someone would do the math to make sure that this is right; but that increase is something like one ten-thousands of the budget; it is a nit, but I will vote for this to get it back on the table.

Mary Cooperman: I think that if we go five/two, that will be seven; the salary remains equal for all. I think that when you start messing with the pay, then let's look at the pay of the others. That is a state formula.

Bill Garrison: I am agreeing that we should bring this forward again; I think it is great to have a public hearing because you get some input. We had a tendency in previous meetings to have a lot of negative information coming at us so we get a little bit gun shy about what to do because we want to create a positive change; but tonight we get here a different perspective, if you will from the public, and maybe we are being a little bit bashful about it and maybe a bold step for the county is what we ought to be pursuing. I am definitely not in favor of reducing anybody's salary. One of the other charters pays the Chairman ten percent more than the others, and I think that would be appropriate.

Rob Bradley: Can I encourage everyone: Mr. Garrison, Ms. Cooperman, and Mr. Gann; I am going to be open-minded about the salary question and I am sure that everybody on the commission is. I would encourage you not to vote no from my motion just on the basis of the salary question because we have a lot to discuss and I just want to get this going again.

Chairman Cummings: Will there be any stipulation on determining any percentage or increase of what the Chair's salary is, or is that to be determined?

Rob Bradley: It was not part of the motion, and right now I would be inclined to not support it. I respect all of the people here and they could convince me otherwise.

Jim Gann: For general information that is .005% of the budget.

Bill Garrison: I also like the idea of giving a Chairman some additional responsibilities to increase his influence. One of the things that is actually required of the County Manager is to present a State of the County address and we could perhaps require the Chairman to present an annual statement of his visions, and also possibly giving him the responsibility of appointing committee chairs, and any others that there might be; something that gives him a greater role as the Chair and not just running the meetings.

Gordon Jespersion: I just wanted to say that I am sure that one candidate here didn't know that his possible salary was going to be discussed at the hearing.

Rob Bradley restated his motion as follows:

Motion that Proposal 3A be modified and placed on our next agenda for its First Public Hearing increasing from five County Commissioners to seven County Commissioners; increasing from three single member district commissioners to five single member district commissioners; and limiting the salary of the seven commissioners to a total which equals the current state formula for five commissioners. Roy Lyons seconded the motion, which carried, 12-2. Mary Cooperman and Glenn Oliver dissenting.

The floor opened for the public hearing on a citizen's initiative amendment proposal to the Charter for the purpose to revise the signature requirements from ten percent of the electors who cast ballots in the last general election to seven percent of the electors qualified to vote in the last general election, with no district requirements; and secondly, a citizen's initiative amendment proposal to the Charter with at least 4% of the electors qualified to vote in the last general election from each commission district of the county.

D R A F T

Date: May 1, 2006

COBB & COLE

040460-001 : CWATT/TVEIL : 00489229.WPD; 1

Proposal 4A

MODIFYING PETITION REQUIREMENTS TO PROPOSE AMENDMENTS TO COUNTY CHARTER

Ballot Question:

SHALL THE PROVISIONS OF THE CLAY COUNTY HOME RULE CHARTER FOR PROPOSING CHARTER AMENDMENTS BY INITIATIVE BE AMENDED TO CHANGE THE REQUIRED NUMBER OF SIGNATURES FROM TEN PERCENT (10%) OF THE ELECTORS WHO CAST BALLOTS IN THE LAST GENERAL ELECTION TO SEVEN PERCENT (7%) OF THE ELECTORS QUALIFIED TO VOTE IN THE LAST GENERAL

**ELECTION?
AMENDMENT _____.**

Section 1. Subsection A of Section 4.2 of Article II of the Clay County Home Rule Charter shall be amended to read in its entirety as follows:

A. Amendments Proposed by Petition.

(1) The electors of Clay County shall have the right to initiate proposed amendments to this Home Rule Charter upon petition of the qualified electors in the County. The number of qualified elector signatures for a valid petition must equal at least seven percent (7%) of the electors qualified to vote in the last general election. (2) Each such proposed amendment shall embrace but one subject and matter directly connected therewith. Each Charter amendment proposed by petition shall be placed on the ballot by resolution of the Board of County Commissioners for the general election occurring in excess of ninety (90) days from the certification by the Supervisor of Elections that the requisite number of signatures has been verified. (3) The sponsor of a petition amendment shall, prior to obtaining any signatures, submit the text of the proposed amendment to the Supervisor of Elections, with the form on which the signatures will be affixed, and shall obtain the approval of the Supervisor of Elections of such form. The style and requirements of such form shall be specified by County ordinance. The beginning date of any petition drive shall commence upon the date of approval by the Supervisor of Elections of the form on which signatures will be affixed, and said drive shall terminate one hundred and eighty (180) days after that date. In the event sufficient signatures are not acquired during that one hundred and eighty (180) day period, the petition initiative shall be rendered null and void and none of the signatures may be carried over onto another petition. The sponsor shall submit signed and dated forms to the Supervisor of Elections and upon submission shall pay all fees as required by general law. The Supervisor of Elections shall within sixty (60) days verify the signatures thereon. (4) If approved by a majority of those electors voting on the amendment at the general election, the amendment shall become effective on the date specified in the amendment, or, if not so specified, on January 1 of the succeeding year.

Section 2. If all or any portion of this Amendment shall finally be held invalid by a court, the remainder of Section 4.2, as amended, shall remain in full force and effect.

Section 3. If adopted by the electors, this amendment shall be effective January 1, 2007.

D R A F T

Date: May 1, 2006

COBB & COLE

040460-001 : CWATT/TVEIL : 00489229.WPD; 1

Proposal 4B

MODIFYING PETITION REQUIREMENTS TO PROPOSE AMENDMENTS TO COUNTY CHARTER

Ballot Question:

SHALL THE PROVISIONS OF THE CLAY COUNTY HOME RULE CHARTER FOR PROPOSING CHARTER AMENDMENTS BY INITIATIVE BE AMENDED TO CHANGE THE REQUIRED NUMBER OF SIGNATURES FROM TEN PERCENT (10%) OF THE ELECTORS WHO CAST BALLOTS IN THE LAST GENERAL ELECTION TO SEVEN PERCENT (7%) OF THE ELECTORS QUALIFIED TO VOTE COUNTYWIDE, INCLUDING FOUR PERCENT (4%) OF THE NUMBER OF

**ELECTORS QUALIFIED TO VOTE IN EACH COMMISSION DISTRICT, IN THE LAST GENERAL ELECTION?
AMENDMENT _____.**

Section 1. Subsection A of Section 4.2 of Article II of the Clay County Home Rule Charter shall be amended to read in its entirety as follows:

A. Amendments Proposed by Petition.

(1) The electors of Clay County shall have the right to initiate proposed amendments to this Home Rule Charter upon petition of the qualified electors in the County. The number of qualified elector signatures for a valid petition must equal at least seven percent (7%) of the electors qualified to vote in the last general election; provided that the petition shall contain the signatures of not less than four percent (4%) of the number of electors qualified to vote in each district in the last general election.

(2) Each such proposed amendment shall embrace but one subject and matter directly connected therewith. Each Charter amendment proposed by petition shall be placed on the ballot by resolution of the Board of County Commissioners for the general election occurring in excess of ninety (90) days from the certification by the Supervisor of Elections that the requisite number of signatures has been verified.

(3) The sponsor of a petition amendment shall, prior to obtaining any signatures, submit the text of the proposed amendment to the Supervisor of Elections, with the form on which the signatures will be affixed, and shall obtain the approval of the Supervisor of Elections of such form. The style and requirements of such form shall be specified by County ordinance. The beginning date of any petition drive shall commence upon the date of approval by the Supervisor of Elections of the form on which signatures will be affixed, and said drive shall terminate one hundred and eighty (180) days after that date. In the event sufficient signatures are not acquired during that one hundred and eighty (180) day period, the petition initiative shall be rendered null and void and none of the signatures may be carried over onto another petition. The sponsor shall submit signed and dated forms to the Supervisor of Elections and upon submission shall pay all fees as required by general law. The Supervisor of Elections shall within sixty (60) days verify the signatures thereon.

(4) If approved by a majority of those electors voting on the amendment at the general election, the amendment shall become effective on the date specified in the amendment, or, if not so specified, on January 1 of the succeeding year.

Section 2. If all or any portion of this Amendment shall finally be held invalid by a court, the remainder of Section 4.2, as amended, shall remain in full force and effect.

Section 3. If adopted by the electors, this amendment shall be effective January 1, 2007.

Allen Watts: Mr. Chairman the current provisions that the charter provides for the charter to be amended by referendum approval of a initiative petition circulated among the voters. The required number of signatures now is ten percent of the electors who cast ballots in the last general election. The proposed amendment will change cast ballots in the last election to electors qualified to vote in the last general election and reduce the number of signatures required from ten percent to seven percent. That is Proposal 4A.

Allen Watts: Proposal 4B adds to that the requirement that the petition shall contain the signatures of not less than four percent of the number of electors qualified to vote in each district. So there is a minimum requirement per district, but a seven percent requirement from the county

as a whole. Those are the specific changes proposed by these alternatives. Again, you can vote for either or neither; but not both.

John Wilkinson
Admirals Walk
Orange Park

Let me say before I forget again, thank you everyone of the Charter Review Commission; you have done a great job. I have heard about these commission reviews before, but I firmly believe that this is government in action and I think you have done a great job. Thank you. Simply speaking to Proposal 4A, I would be in favor of 4A. I have attended some of the meetings of this group; I was appalled at the nature of the number of signatures in existence. The current language in the charter allows that and I think it should change. Changing the charter should be a serious, well thought-out process. I think that having the potential for that cycle to be in there is not good government; I simply support A. I honestly feel that B goes a little bit too far; I see the merits of it but personally I would look at A.

Jack Myers

I am ok with either one of them. I kind of differ a little bit from John in that I would like to make sure that is not coming from one district. The districts would change if we go with whatever the solution is, then it would be just three districts; but you could conceivably have a resolution that is we went to a three/two and you only had three districts you might run into a situation where you only have one district, and that is getting all of your votes. I am more towards 4B.

There being no further comments the public hearing was closed.

The "Second Public Hearing is Monday, May 15, 2006, at the 4th floor of the Administration Building, 477 Houston Street, Green Cove Springs, in the BCC Meeting Room, at 7:00 p.m.. The "Third Public Hearing" will be at the Middleburg Civic Center (Weigel Senior Center) located left on Palmetto.

We now have seven (7) proposals to bring to the hearings and we need to schedule another public hearing for Monday, June 19, 2006, location to be announced.

The CRC sub-committee will meeting on Tuesday, May 16, 2006, 10:00 a.m., Orange Park Town Hall Meeting Room.

Rob Bradley: There has been one CRC Sub-Committee Meeting and Gordon Jesperson and Karen Lake was in attendance. The first meeting was for an hour. Mr. Gann provided input as well as Ms. Cooperman.

There being no further business the meeting adjourned at 9:15 p.m.

Chairman Travis Cummings

Recording Secretary, Ann Mitchell